

REMARKS

Claims 1-17 remain pending in the present application. Claim 1 has been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-6 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claim 1 has been amended to define a first fluid passage and a second fluid passage separate from the first fluid passage. The movable membrane moves to the second position to prevent fluid flow through the second fluid passage. This is illustrated in Figure 4 and the specification has been amended to define support for these terms. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vermolen, et al. in view of de Molina. Applicants respectfully traverse this rejection.

Claim 1 has been amended to define a first fluid passage and a second fluid passage separate from the first fluid passage. The movable membrane moves to the second position to prevent fluid flow through the second fluid passage.

Vermolen, et al. discloses membrane 78 having aperture 106 extending through the membrane but Vermolen, et al. does not disclose a first and second fluid passage between the first and second chambers where the second fluid passage is separate

from the first fluid passage. In addition, the membrane 78 in Vermolen, et al. does not define the first fluid passage as an aperture extending through the membrane. The aperture 106 extending through membrane 78 does not permit fluid flow between the first and second chambers when the first fluid passage is closed as is now defined in amended Claim 1.

De Molina does not define, disclose or suggest the limitations that are lacking in Vermolen, et al. De Molina, et al. does not disclose that discs 136 actually contact land 160 and the presumption by the Examiner has no basis in the reference. Regardless, if we assume this presumption by the Examiner to be correct, De Molina does not define the first and separate second fluid passages as is now defined in Claim 1. The Vermolen, et al. taken alone or in combination with De Molina does not disclose, teach or suggest the limitations of amended Claim 1.

Thus, Applicants believe Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2-6, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and

favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: March 7, 2007

By: 

Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MJS/pmg